

HOUSE BILL REPORT

ESSB 5704

As Reported by House Committee On: Local Government & Housing

Title: An act relating to creation of a flood district by three or more counties.

Brief Description: Concerning creation of a flood district by three or more counties.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens and Roach).

Brief History:

Committee Activity:

Local Government & Housing: 2/18/10, 2/22/10 [DPA].

Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Establishes new composition, appointment, and election provisions for the governing bodies of flood control districts that have territory in three or more counties.
- Establishes that flood control districts that have territory in three or more counties are not subject to certain provisions that mandate or permit qualifying special districts to reduce the size of their governing body.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass as amended. Signed by 11 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan, Miloscia, Short, Springer, Upthegrove, White and Williams.

Staff: Ethan Moreno (786-7386).

Background:

Flood control districts (flood control districts or districts) may be created and maintained for the protection of life and property, to preserve public health, and to conserve the state's natural resources. Flood control districts may be organized to provide for the necessary

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control of all or part of the stream system of a stream or tributary, or for the protection of tidal or other bodies of water. Among other general authorized purposes, flood control districts may be organized or maintained for the planning, construction, improvement, and repair of dams, dikes, levees, and other works that are convenient and necessary to control floods and lessen their danger and damages. Flood control districts may include all or part of the territory within a county and may include territory in two or more counties.

With some exceptions, flood control districts are managed by three-member boards of directors (boards). District boards, which are also referred to as "governing bodies," are authorized to manage and conduct the business affairs of the district, including adopting rules and regulations, employing personnel, and generally performing any and all acts necessary to carry out the purpose of the district. The initial directors of a newly created district must be appointed by the legislative authority of the county within which the district, or the largest portion of the district, is located. Subsequent directors are elected to six-year terms.

Previously enacted legislation, in part, required flood control district governing bodies with four or more members to be reduced to three members. As directed by the Legislature, the required reductions were to be made by January 1, 1986, by eliminating directors with the shortest remaining terms of office. The remaining directors were required to serve staggered terms according to specified provisions. However, qualifying five-member governing bodies were allowed to be retained if they governed a district that is a consolidation of five or more districts. These same five-member governing bodies may choose to reduce their size to three members by eliminating the two directors with the shortest remaining terms of office.

Summary of Amended Bill:

New composition, appointment, and election provisions for the governing bodies of qualifying flood control districts are established. If a flood control district, upon creation, has territory in three or more counties, the governing body must include one member from each county with territory in the district and two additional members. No more than two governing members may be from the same county.

The initial members of the governing body must be chosen by each county legislative authority within which the district resides, with each county choosing one member, and the two counties with the largest populations within the district choosing one additional member each. The initial governing body members must serve until their successors are elected and qualified at the next special district general election.

At this first election, the members receiving the two greatest number of votes must serve six-year terms, the members receiving the third and fourth greatest number of votes must serve four-year terms, and the remaining members must serve two-year terms of office.

The requirements for the filing period, method for filing declarations of candidacy, and the arrangement of candidate names on the ballot for all special district general elections conducted after the initial election in the district must be the same as the requirements for the

initial district election. No primary elections may be held for the governing body of a flood control district that, upon creation, has territory in three or more counties.

A vacancy occurs upon the death, resignation, or incapacity of a governing body member, or whenever the governing body member ceases to be a registered voter of the district. Provisions for the filling of vacancies are specified.

An elected or appointed member of the governing body, or a candidate for the governing body, must be a registered voter of the flood control district who has resided within the district for a minimum of 30 days before the election. Land ownership is not a requirement for serving on the governing body of the district.

Flood control districts that have territory in three or more counties are not subject to certain provisions that mandate or permit qualifying special districts to reduce the size of their governing body.

Amended Bill Compared to Engrossed Substitute Bill:

The amended act makes the following changes to the original bill:

- makes numerous technical changes, including: changing references from "flood districts" to "flood control districts;" and specifying that delineated provisions apply to the governing bodies of flood control districts that, upon creation, have territory in three or more counties;
- specifies that an elected or appointed member of a flood control district governing body, or a candidate for the governing body, must be a registered voter of the district who has resided within the district for a period of not less than 30 days before the election; and
- specifies that, in accordance with existing requirements, land ownership is not a requirement for serving on the governing body of the district.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill was introduced last year, but it has been restored to its original language. Problems, including problems relating to tribal fishing rights, developed with the legislation last year when attempts to appoint additional members to the flood control district governing bodies were made. The basic philosophy of this bill is that members of a district with taxing authority should be elected. Taxes are necessary for the operation of the district and the governing body that imposes the taxes should be elected.

(Opposed) None.

Persons Testifying: Senator Swecker, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.